

U.S. Patent Application Serial No. **09/147,052**
Amendment filed December 7, 2006
Reply to OA dated April 6, 2006

AMENDMENTS TO THE DRAWINGS

Please replace Fig. 5 of the Drawings with the attached Replacement Sheet.

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REMARKS

Claims 25, 26, 32, 33, 39-41 and 44-46 are pending in this application, with claims 45 and 46 withdrawn from consideration. The present amendment cancels claims 25, 26, 32, 33, 39-41 and 44-46 without prejudice or disclaimer, and adds new claims 47-52. Upon entry of this amendment, claims 47-52 will be pending.

Amendments are also made to the Drawings and Specification.

Applicant respectfully submit that no new matter has been added. Support for the new claims is discussed below. It is believed that this Amendment is fully responsive to the Office Action dated **April 6, 2006**.

Regarding the Drawing and Specification Amendments

Applicant has amended the drawing of Fig. 5 to correct an error in the drawing. This correction includes correction of a restriction site from “SalI” to --EcoT22I--. The specification is correspondingly corrected in this manner at page 18, line 14.

In addition, errors in the specification at page 18, lines 25 and 27, are also corrected, by the amendment changing “XbaI” to --BamHI--.

Applicant submits that these amendments do not introduce new matter. The present claims are fully defined by the recited SEQ ID NOs, and the procedure for construction of pNZ40K-C illustrated in Fig. 5 is not necessary for production of the nucleic acids and polypeptides of the present claims, and therefore has no bearing on the written description or enablement of the present

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claims. Applicant also submits that one of skill in the art could have reproduced the production of plasmids pGTPsMDgB of Example 1 and pGTPs40K-C from the description in the specification, and that the errors in the listed restriction enzymes on page 18 would not have affected the ability of one of skill in the art to use these plasmids.

Claims 25, 26, 32-33, 39-41 and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is maintained for reasons already of record. (Office action paragraph no. 3)

Claims 25-26, 32-33, 39-41 and 44 are rejected under 35 U.S.C. 112, second paragraph, is maintained for reasons of record. (Office action paragraph no. 7)

The outstanding rejections are moot in view of the cancellation of claims 25, 26, 32, 33, 39-41 and 44 without prejudice or disclaimer.

Regarding new claims 47-52.

Claims 48 and 50 recite the nucleic acid sequences of SEQ ID NOs: 1 and 3, respectively, and are supported by the sequence listing. Likewise, claims 51 and 52 recite the amino acid sequences SEQ ID NOs: 2 and 4, respectively, and are supported by the sequence listing.

Claim 47 recites: "A DNA molecule coding for the amino acid sequence given in SEQ ID NO: 2," and claim 49 recites a similar recitation based on SEQ ID NO: 4. Support for the recitation

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of DNA molecules coding for these sequence may be found, for example, in original claim 9 of the application, and in the specification on page 10, lines 2-12.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosure: Replacement Sheet of Drawing (Fig. 5)